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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

INNOVATIO IP VENTURES, LLC,)	
)	
Plaintiff,)	3:11-CV-00343-LRH-WGC
)	
v.)	
)	<u>ORDER</u>
MEI-GSR HOLDINGS LLC dba GRAND)	
SIERRA RESORT AND CASINO,)	
)	
Defendant.)	

Before the court is Defendant MEI-GSR Holdings LLC’s (“MEI”) Motion to Stay (#27¹). Plaintiff Innovatio IP Ventures, LLC (“Innovatio”) filed an opposition (#29), and Grand Sierra replied (#34).

Innovatio filed this action against MEI on May 13, 2011, alleging infringement of 17 Innovatio patents related to wireless local area networks (“WLANs”), commonly referred to as “Wi-Fi.” MEI is a resort-casino that uses, but does not design, make or sell, the products accused of infringement.

Rather than file suit against any manufacturer or supplier of the allegedly infringing Wi-Fi products, Innovatio filed this action along with ten other actions in other states against users, such as hotels, bakeries, cafes, and grocery stores. In response, on the same day Innovatio filed this

¹Refers to court’s docket entry number.

1 action, two suppliers of the allegedly infringing products, Cisco Systems, Inc. (“Cisco”) and
2 Motorola Solutions, Inc. (“Motorola”), filed a declaratory relief action in the District of Delaware
3 for non-infringement and invalidity of the seventeen Innovatio patents, entitled *Cisco Systems, Inc.*
4 *and Motorola Solutions, Inc. v. Innovatio IP Ventures, LLC*, Case No. 1:11-cv-425 (D. Del.) (the
5 “Supplier Action”). Then, on September 15, 2011, Cisco and Motorola filed a motion with the
6 Judicial Panel on Multidistrict Litigation to transfer this action and five of the other Innovatio
7 actions to the District of Delaware and to consolidate those actions for coordinated pretrial
8 proceedings with the Supplier Action. *See In re Innovatio IP Ventures, LLC, Patent Litigation*,
9 M.D.L. No. 2303 (J.P.M.L.).

10 On September 27, 2011, MEI filed the instant motion to stay this matter pending resolution
11 of the Supplier Action in Delaware, or at least pending resolution of the MDL motion for transfer
12 and consolidation. MEI contends that a stay is appropriate pursuant to the customer suit doctrine
13 and in the interest of judicial economy. Innovatio opposes MEI’s request for a stay pending
14 resolution of the Supplier Action but does not address MEI’s alternative request for a stay pending
15 resolution of the MDL motion. During briefing of the instant motion, Cisco and Motorola’s MDL
16 motion was fully briefed and the MDL Panel scheduled a hearing for December 1, 2011; however,
17 the Panel has not yet issued its decision.

18 Given that a decision by the MDL Panel is forthcoming and may moot MEI’s pending
19 motion to stay, and that Innovatio has not opposed MEI’s request for a stay at least pending
20 resolution of the MDL motion for consolidation, the court finds that a limited stay is appropriate
21 pending the MDL Panel’s decision.

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1 IT IS THEREFORE ORDERED that this matter is STAYED for 30 days pending a decision
2 by the Judicial Panel on Multidistrict Litigation or further order of the court. Defendant's Motion
3 to Stay (#27) shall remain pending.

4 IT IS SO ORDERED.

5 DATED this 22nd day of December, 2011.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE